July 20, 1984
P. O. Box 34071
Bethesda, Maryland 20817

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, Maryland 21701

Dear Harold:

Many thanks for your letters of June 9 and 10, which I've been remiss in answering because I have been up to my ears in the good fight, viz., against the CIA. I have taken the liberty of sending a copy of your June 9 letter about the CIA's patterns of bad faith to my lawyer, Steve Doyle, since it is quite possible that it may give him some ideas.

As I think Jim Lesar told you, the CIA followed up on Judge Greene's November decision with a motion for reconsideration and Greene agreed to accept a Top Secret affidavit from them. God only knows what they said in it. With Steve's backing, I wanted to submit a filing myself to make some unmade points and from about May on spent every spare moment working it up, but before it was ready Greene ruled on the CIA's motion. A copy of his July 5 order is enclosed. He reruled on 109 of his 692 November rulings, reversing himself 64 times in the CIA's favor and maintaining his original rulings in my favor 45 times. It was about what Steve and I had expected.

Steve now intends to submit a motion for clarification with affidavit from me embodying all the points we had wanted to make before Greene ruled, but says it should seem routine and be dulcetly worded in order not to rile Greene (cf. fn 4 in the July 5 order). Since Steve is an excellent tactician, I am quite in agreement. At the same time, both sides are preparing appeals which I suppose will be filed by Labor Day. The CIA's, from what the responsible assistant U.S. attorney told Steve in a telephone conversation, will deal largely with its long-standing assertion that all sources and information identifying them should be forever exempt, whether the sources are alive or dead today and were witting or unwitting when they provided information. So stands the litigation at the moment.

I also enclose a copy of the note I wrote on three telephone conversations with the head of the FBI's FOIPA section. He struck me as a jolly hardnose.

Best regards,

Alan L. Fitzgibbon